

1
2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 DANIEL J. RIVAS, G19005,

6 Petitioner,

7 v.

8 CDCR,

9 Respondent.

Case No. [18-cv-04129-CRB](#) (PR)

**ORDER DISMISSING PETITION
FOR A WRIT OF HABEAS
CORPUS**

(ECF No. 7)


10 Petitioner Daniel J. Rivas, a prisoner at the California Substance Abuse Treatment Facility
11 (CSATF) in Corcoran, California, has filed a pro se petition for a writ of habeas corpus under 28
12 U.S.C. § 2254 alleging improper mail interference at CSATF. He also seeks leave to proceed in
13 forma pauperis (IFP) under 28 U.S.C. § 1915.

14 Based solely on his affidavit of poverty, petitioner's motion for leave to proceed IFP (ECF
15 No. 7) is GRANTED. But the petition for a writ of habeas corpus is DISMISSED without
16 prejudice to filing a civil rights action under 42 U.S.C. § 1983 because it is well established in the
17 Ninth Circuit that habeas jurisdiction is absent, and a § 1983 action proper, where, as here, a
18 successful challenge to a prison condition or event will not necessarily shorten the prisoner's
19 sentence. See Ramirez v. Galaza, 334 F.3d 850, 859 (9th Cir. 2003); see also Nettles v. Grounds,
20 830 F.3d 922, 931 (9th Cir. 2016) (en banc) (if claim does not lie at the 'core of habeas corpus,' it
21 may not be brought in habeas corpus but must be brought, if at all, under § 1983). Petitioner is
22 free to file a civil rights action under § 1983 in the United States District Court for the Eastern
23 District of California, in whose venue CSATF lies.

24 The clerk shall close the file and terminate all pending motions as moot.

25 **IT IS SO ORDERED.**

26 Dated: July 30, 2018

27 
28 CHARLES R. BREYER
United States District Judge

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2
3
4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6

7 DANIEL J. RIVAS,
8 Plaintiff,

9 v.

10 CDCR,
11 Defendant.

Case No. 3:18-cv-04129-CRB

CERTIFICATE OF SERVICE

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
13 District Court, Northern District of California.
14

15 That on July 30, 2018, I SERVED a true and correct copy(ies) of the attached, by placing
16 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
17 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
18 receptacle located in the Clerk's office.
19

20 Daniel J. Rivas ID: G-19005
21 CSATF State Prison
22 P.O. Box 5248
A3-8-2L
Corcoran, CA 93212

23
24 Dated: July 30, 2018

25 Susan Y. Soong
Clerk, United States District Court

26 By: 
27 Lashanda Scott, Deputy Clerk to the
28 Honorable CHARLES R. BREYER